

# MAY 21<sup>ST</sup>, 2020

## PLANNING BOARD – APPROVAL OF HOTEL FINDINGS OF FACT

Please note: Due to the pandemic the Planning Board has been authorized by the state to meet remotely. At this meeting the Board will be meeting in a videoconference format. Public comments or questions should be sent to the Board via email at [public@planningboard.org](mailto:public@planningboard.org) or by mail to the Board at 1000 North 1st Street, Suite 100, Tallahassee, FL 32301. The Board will be meeting at 7:00 PM on May 21st, 2020. The Board will be meeting at 7:00 PM on May 21st, 2020. The Board will be meeting at 7:00 PM on May 21st, 2020.

Item 1: Consideration of a pre-application by BWC Masses Pond LLC, represented by (Auntie) planning (BWC Masses Pond LLC) for a proposed hotel development of approximately 100 units to be located at 1100 Eastland Street, Suite 100 (908 District).

Item 2: Consideration of an application submitted by 2000 East 1st LLC, represented by Pine Tree Real Estate (Pine Tree Real Estate) for a proposed hotel development of approximately 100 units to be located at 1100 Eastland Street, Suite 100 (908 District).

Item 3: Consideration of a pre-application by 2000 East 1st LLC, represented by Pine Tree Real Estate (Pine Tree Real Estate) for a proposed hotel development of approximately 100 units to be located at 1100 Eastland Street, Suite 100 (908 District).

Item 4: Consideration of a pre-application by 2000 East 1st LLC, represented by Pine Tree Real Estate (Pine Tree Real Estate) for a proposed hotel development of approximately 100 units to be located at 1100 Eastland Street, Suite 100 (908 District).

Item 5: Consideration of a pre-application by 2000 East 1st LLC, represented by Pine Tree Real Estate (Pine Tree Real Estate) for a proposed hotel development of approximately 100 units to be located at 1100 Eastland Street, Suite 100 (908 District).

**- PUBLIC MEETING -**  
**Rockport Planning Board**  
**Town of Rockport, Maine**  
**Planning Board Agenda**  
Thursday May 21, 2020  
5:30 p.m.

*VIA VIDEOCONFERENCE Streamed at <https://livestream.com/Rockportmaine>*

Please note: Due to the pandemic, the Planning Board has been authorized by the state to meet remotely. At this meeting, the Board will be meeting in a videoconference format. Public comments or questions should be sent to the Town Planner at [bnajpauer@rockportmaine.gov](mailto:bnajpauer@rockportmaine.gov) or can be provided remotely through the livestream of the meeting.

*Please submit all email comments no later than two hours prior to the start time of the meeting*

Agenda:

Item #1 Consideration of a pre-application by BWC Maces Pond LLC represented by (Aimee Mountain (GZA Geoenvironmental ) for a proposed solar development of approximately 16-acres to be located at 474 Rockland Street Map 12 Lot 190 (908 District)

Item# 2 Consideration of an application submitted by Samoset Solar LLC Represented by Pine Gate Renewables ( Julianne Wooten) & Boyle Associates ( Dale Knapp) for a proposed ground mounted 2.1 MW solar project sited on approximately 16 acres of land located at 8 Fisk Lane Map 13 Lot 15 (908 district) (the proposed site has frontage at Route 17) .

Item # 3 Consideration of a final plan of a subdivision application submitted by Max MacCoole located at 1047 Commercial Street Map 3 Lot 25 (906 district) to create a 5-unit subdivision by dwelling units (2 buildings)

Item#4 Consideration of findings for the application submitted by 20 Central Street LLC to construct a new hotel which was approved at the February,27, 2020 Planning Board Meeting

Item #4: New Business

Item # 5 Adjournment



# **Town of Rockport Planning Board Meeting Minutes**

**Thursday, May 21, 2020 – 5:30 p.m.**

**Geoffrey C. Parker Room – VIA VIDEOCONFERENCE Streamed at**

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**<https://livestream.com/Rockportmaine>**

**Approved**

**Board Present:** Chair Joe Sternowski, Vice Chair John Viehman, Clark Doran, Thomas Laurent, Victoria Condon, Ted Skowronski

**Board Absent:** Jim Ostheimer

**Staff Present:** Planner and Community Development Director William Najpauer, Select Board Liaison Douglas Cole, Videographer Bruce Hilsmeier, Acting recording Secretary Mandy Everett

Meeting called to order at 5:30 By Chair Joe Sternowski

**Item #1 Consideration of a pre-application by BWC Maces Pond LLC represented by (Aimee Mountain (GZA Geoenvironmental ) for a proposed solar development of approximately 16-acres to be located at 474 Rockland Street Map 12 Lot 190 (908 District)**

Aimee Mountain shared BWC Maces Pond LLC's pre app presentation. The location is off Rockland street (route 17)

## **Project Team**

BWC Mace's Pond LLC's project team leadership includes Alan Robinson, senior director; Matt Parlon, Project Development manager; Aimee Mountain, Project Manager; Deborah Zarta Gier, Principal; and Tracy Tarr, Wetland Scientist and Wildlife Biologist.

## **Overview of site**

The site will be located at 510 Rockland Street – Tax map 12, Lot 190 in zoning district 908 and can be accessed off of Rockland Street from an existing gravel road

approximately 1010 feet north from Meadow St. The site is 105 acres in size and borders Mace's pond. The site is currently used for blueberry farming.

#### Summary of natural resources

There are four forested and scrub shrub wetlands delineated on site. The wetlands predominantly drain into Mace's pond. No known rare species are on the property, but two vernal pools were located. The pools were found to be insufficient based on egg count. A through vernal pool assessment was performed.

#### Proposed Project

The natural overlay plan was projected to the Board and explained further. The vernal pools will be protected during the development. The wetlands associated with Mace's pond were found to be significant and there will be a 75 foot setback from those wetlands. The current access road coming off of Rockland St. will be widened. A new proposed road that will be about 9 feet wide will be created to access the blueberry fields, and plantings of blueberries are planned around the base of the panels. Chair Sternowski asked about a structure shown on the plans. Aimee explained that it is an abutter who has already been approached by the applicant.

#### Project Details

Mr. Robinson spoke to the energy generation of the project and where the applicant stands with working with Central Maine Power to connect to the grid. To minimize impact the applicant has moved the proposed site to outside of Maces Pond and are maintaining appropriate Wetland buffers. Blueberry farming will continue around the arrays.

#### Best Management Practices and minimalization of impact

Wetland impacts will be minimized to the greatest extent possible during road expansion and construction, and the applicant plans to utilize the existing access road.

#### Next steps

The applicant will schedule a site walk with the Planning Board and incorporate the Planning Board's input. They would like to submit a formal application to the Planning Board in June.

#### Maine DEP review is ongoing

Summary – the applicant summarized their proposal.

Mr. Viehman asked that the applicant provide what the view of the farm will look like from various places along route 17.

Mr. Doran clarified with the applicant that the solar panels are to be on fixed frames and had concerns over potential glare.



Mr. Cole introduced himself as the Planning Board's Select Board Liaison. He noted that there is a statewide petition circulating- the applicant explained that the petition has to do with deregulated power sales and will not affect the application.

Chair Sternowski reminded the applicant that they need to demonstrate rights, title, and interest by including a signed lease in their final application.

Mr. Viehman stated that he would like to see a deconstruction bond from the applicant. The applicant stated that they will include that information in their final application.

Chair Sternowski asked about the position of the power lines. The applicant stated that the lines will be above ground per consultation with Central Maine Power. Pole locations are still to be determined.

**Item# 2 Consideration of an application submitted by Samoset Solar LLC Represented by Pine Gate Renewables ( Julianne Wooten) & Boyle Associates ( Dale Knapp) for a proposed ground mounted 2.1 MW solar project sited on approximately 16 acres of land located at 8 Fisk Lane Map 13 Lot 15 (908 district) (the proposed site has frontage at Route 17) .**

The project is located in the 908 district and the applicant showed where the 75' buffer to the wetland zones will be located per DEP guidelines.

The project will require a stormwater management plan and permit, but no other DEP permits are expected to be required.

The applicant showed where the wooded buffer around the 16-acre project site is located and noted that the abutters have been approached. The most direct abutter attended the open house that the applicant had hosted in Rockport back in December and has no issues with the project. A few of the more distant abutters may hear some noise during the construction phase but will not be able to see the project when finished. A DOT permit has been applied for.

Chair Sternowski asked about planting trees on the site to which the applicant pointed out the proposed location of the plantings. Mr. Viehman asked about the rationale behind the additional plantings. The applicant explained that there is no formal replanting schedule, but that they plan to plant native trees as a buffer.

The applicant went over the construction methodology. The first phase will be to clear the trees. No grading will be required as the panels will follow the contours of the land. No concrete footings will be needed to secure the posts into the ground. Depth of the posts will be determined by a geotechnical study which will be done by the applicant.

The panels will be no more than 12' tall when mounted and are going to be "fixed" and angled enough that snow will fall off them naturally.

Vegetative cover under the panels will be planted post construction and will be a perennial wild seed mix of native meadow. This will help manage stormwater runoff. The site will be mowed twice a year and no reseeding will be necessary.

The solar panels will create DC power and the site will feature converters to convert electricity to AC. The AC inverters are one of two things on the site that will make noise. The other component will be the transformer. The total noise level of the two will sound similar in decibel level to a residential air conditioning unit. No abutters will be close enough for the noise to be a nuisance.

A fence will be erected using agricultural style wire fence which will be visually unobtrusive.

A decommissioning plan was provided and a cost table for decommissioning. All materials will be recycled to the fullest extent possible after their usable lifespan. The applicant has a 30 year lease. The panels have a lifespan of approximately 40 years. The applicant can provide a standard decommissioning bond. Chair Sternowski stated concerns that the cost of decommissioning is not projected to estimated inflation 30 years out and would like to see those estimates. The applicant stated that decommissioning costs can be reanalyzed and provided to reflect future inflation.

Mr. Viehman stated that a visual barrier is required as per the lease and clarified the location of that planting with the applicant. He stated that the Decommissioning plan only states that the site will be brought back to its natural state and that he would like to see more details. The applicant clarified that the bond is separate from the lease in dictating the details of the decommissioning plan.

Pinegate discussed important deadlines that they have to meet at state level. The Public Utilities Commission has extended its deadlines to June due to complications with the COVID virus. There have been delays in attempting to do a site walk with the Planning Board for this project. One was finally filmed and later put up on the Town's website for the Planning Board to view. At the time of the filming the leaves were bare due to it being early spring, and there was no clear view to route 17. The center of the proposed solar field is a crater- like spot below the ridge. The applicant played a clip of the site walk to demonstrate. One abutter to the South may see a small part of the finished solar field.

Select Board Liaison Doug Cole stated that between the two proposed solar projects he is curious as to the capabilities of the existing Central Maine Power infrastructure in supporting both farms. The applicant stated that they have been meeting with Central Maine Power to scope the project. There will be three poles erected on the site which will tie into existing infrastructure.

Ms. Condon asked if there were any chances that the applicant would not receive their DOT permit. The applicant foresees no issues. Chair Sternowski stated this application

is being reviewed as a public utilities structure which is an allowable use in the 908 district, and that there are no size limitations on such structures.

**MOTION:** Mr. Viehman moved that the application is a conditional use in the 908 district. Mr. Doran seconded.

**Carried 6-0-0 (vote by roll call)**

Section 1000 Performance standards was discussed by the board. Decommissioning is an agreement with the applicant and the landowner. The Board will check with Town Attorney to see if the Town should be a party in the agreement.

Mr. Najpauer stated that the Planning Board can put decommissioning standards in its conditions for approval.

The Board discussed the noise potential emissions from the finished site to which the applicant stated that it would sound like a residential air conditioning unit.

The Board reviewed the application in regard to sections 1304 and 1305. Mr. Laurent noted that the applicant was requesting a waiver from the requirement that the applicant submit a scaled drawing, which was noted to be very common with large applications. Chair Sternowski affirmed that the applicant showed sufficient rights, title, and interest. Mr. Najpauer confirmed.

**MOTION:** Mr. Viehman moved to accept application as complete in accordance with section 1305. Mr. Skowronski seconded.

**Carried 6-0-0 (vote by roll call)**

**MOTION:** Mr. Viehman moved that the application is complete in accordance with applicable sections of 800. Mr. Duran seconded.

**Carried 6-0-0 (vote by roll call)**

**MOTION:** Mr. Viehman moved to approve the application submitted by Samoset Solar LLC Represented by Pine Gate Renewables ( Julianne Wooten) & Boyle Associates ( Dale Knapp) for a proposed ground mounted 2.1 MW solar project sited on approximately 16 acres of land located at 8 Fisk Lane Map 13 Lot 15 (908 district) (the proposed site has frontage at Route 17) , with the condition of approval that the applicant creates a performance bond to cover decommissioning costs with terms subject to the town's approval. Mr. Skowronski seconded.

**Carried 6-0-0 (vote by roll call)**



**Item # 3 Consideration of a final plan of a subdivision application submitted by Max MacCoole located at 1047 Commercial Street Map 3 Lot 25 (906 district) to create a 5-unit subdivision by dwelling units (2 buildings)**

Chair Sternowski stated that the applicant, Max MacCoole, was a contractor for snow plowing services at Mr. Sternowski's condo complex but did not believe that it was a true conflict of interest.

**MOTION:** Mr. Viehman moved that the Board finds no conflict of interest with Joe Sternowski participating in the review of the application submitted by Max MacCoole. Ms. Condon seconded.

**Carried 6-0-0 (vote by roll call)**

The property is located at 1047 Commercial Street Map 3 Lot 25 in the 906 district. It is 1.56 acres in size and was purchased in October 2018. At the time of purchase the property had four existing structures that were later demolished and an existing driveway. MacCoole's application proposes to create 5 dwelling units, plus a laundry facility, within two structures.

Mr. MacCoole presented a Memorandum of Highway Entrance Permit Wavier, along with two letters from Woodward and Curran that shows the ability to serve the property's proposed sewer needs, and a letter from Maine Water Company that also shows the ability to service the proposed water intake. Mr. MacCoole overviewed placement of structures and his stormwater management plan with the Board. The sewer line is currently running under Commercial St. and the connections to the property were shown, along with the location of the water lines.

Some material will be brought in and graded to create a level parking area. Landscaping will consist of grass and bushes along the front of the property to create a small buffer to Commercial Street.

Mr. Viehman asked if abutters had been notified. Mr. Najpauer responded that letters were sent to abutters and the hearing was published in the local newspaper. One citizen had written to the Board expressing concerns with aesthetics along this stretch of Commercial St. No other public comments were submitted. The office has a copy of the deed proving rights, title, and interest.

**MOTION:** Mr. Viehman moved that the application submitted by Max MacCoole for the subdivision located at 1047 Commercial Street Map 3 Lot 25 in the 906 District is complete. Seconded by Clark Doran.

**Carried 6-0-0 (vote by roll call)**

The proposal meets the minimum dwelling size, lot size, and lot coverage standards per Section 918 dimensional tables. The maximum buildout could be 7 units total per the ordinance, but the applicant is only building 5. Multifamily housing is an allowable use in the 906 district.



**MOTION:** Mr. Viehman moved that the project meets the requirements of the allowable use of the 906 zoning district. Ms. Condon seconded.

**Carried 6-0-0 (vote by roll call)**

The parking standards dictate that two spaces are required for each unit. The applicant meets the parking standards with 10 spaces available.

The landscaping plan was reviewed. Using Section 1002.3 of Rockport's Land Use Ordinance titled "Front Yard Landscaping Requirements", the Board suggested minor amendments to Mr. MacCoole's proposed plan.

**MOTION:** Mr. Viehman moved that the application meets the requirements as applicable in Section 800. Mr. Doran seconded.

**Carried 6-0-0 (vote by roll call)**

It was determined that letters from the Police and Fire Departments, signing off that there are no safety issues, were not necessary.

Sections 11.1, 11.2, 11.3, 11.4, 11.5, 11.7, 11.8, 11.9, 11.10, 11.12, 11.13, 11.14, 11.15, 11.16, 11.17, 11.18, 11.19 of Rockport's Subdivision Ordinance were reviewed as it applies to the proposal

**MOTION:** Mr. Viehman moved to approve the final plan of the subdivision application submitted by Max MacCoole located at 1047 Commercial Street Map 3 Lot 25 (906 district) to create a 5-unit subdivision by dwelling units (2 buildings), with the condition that the landscape plan be amended as discussed

Mr. Skowronski seconded.

**Carried 6-0-0 (vote by roll call)**

**Item#4 Consideration of findings for the application submitted by 20 Central Street LLC to construct a new hotel which was approved at the February, 27, 2020 Planning Board Meeting**

**MOTION:** Mr. Viehman moved that the Board finds the notice of decision accurately reflects the decisions that were made February 27<sup>th</sup>, 2020 and that the language of the conditions of approval are consistent with the Board's agreement.

**Carried 6-0-0 (vote by roll call)**

**Item #4: New Business**

Mr. Laurent has circulated to the Board a template for future minutes for continued review.

**Item #5 Adjournment**

Adjournment

**MOTION:** Mr. Viehman moved to adjourn the meeting. Mr. Laurent seconded.

**Carried 6-0-0 (vote by roll call)** The meeting was adjourned at 9:26 p.m.